



Wichita Police Department Policy Manual

Approved by: _____

Policy 224 – Employee Drug Policy

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Maintained by:
Information Services

Issue/Rev.: 09-13-2010

- 224.01 The purpose of this policy is to inform all employees of the City of Wichita Non-Department of Transportation Safety Sensitive Alcohol And Controlled Substance Testing Policy.
- 224.02 The critical mission of law enforcement establishes a compelling need to maintain a drug-free work environment. Members who engage in unauthorized use of drugs and controlled substances risk their safety, and that of their fellow employees and the community they serve, undermine the integrity of the agency and increase the potential for corruption. Therefore, it is the policy of this agency to maintain a drug-free workplace in part through the use of random employee drug testing.
- 224.03 The definitions of the terms used throughout this document are as follows:
- A. Drug test: The compulsory production and submission of urine or submission to a breathalyzer, in accordance with City of Wichita procedures, to detect prohibited drug usage. While this policy provides for only the submission of urine for detection and analysis of controlled substances, it does not preclude the agency from using a blood or other test for the same purposes.
 - B. Random Selection: A method of selection in which each and every employee in selected employee classifications (Commissioned Police Personnel, Crime Scene Supervisor, Crime Scene Investigators, Station Clerks, Traffic Safety Officers, Warrant Officers, Service Officers I & II, and S.P.I.D.E.R. Dispatcher) has an equal chance to be selected for drug testing each and every time a selection is conducted.
 - C. Controlled Substance: Any substance which is illegal to consume, possess, manufacture or distribute or any psychoactive substance drug or medication that requires the prescription of a licensed medical practitioner.
 - D. Drug: Any substance, including alcohol, that is restricted or prohibited by this policy.
- 224.04 Procedures
- R
- A. Prohibited Activity
 - 1. No employee shall illegally possess any controlled substance.
 - 2. No employee shall ingest any controlled substance unless prescribed by and taken in accordance with directions of a licensed medical practitioner.
 - 3. Employees shall notify their immediate supervisor when required to use prescription medicine which they have been informed has the potential to impair job performance.
 - a. The employee shall advise the supervisor of the known side effects of such medication and the prescribed period of use.
 - b. Supervisors shall document this information through the use of an internal memorandum and maintain this memorandum in a secured file.
 - c. The employee may be temporarily reassigned to other duties, where appropriate.
 - 4. Any employee who unintentionally ingests, or is made to ingest, a drug or controlled substance shall immediately report the incident to their supervisor so that appropriate medical steps may be taken to ensure the member's health and safety.
 - 5. Any employee having a reasonable basis to believe that another employee is illegally using or in possession of any controlled substance or drug shall immediately report the facts and circumstances to their supervisor.
 - 6. No employee shall consume any intoxicating beverage while on duty or on police premises unless authorized by a supervisor in the course of their employment.
 - 7. No employee shall
 - a. be under the influence of alcohol while on duty, with the exception of approved undercover activity;
 - b. report for duty with the odor of alcohol on his or her breath;
 - c. consume or ingest intoxicants while off-duty, to the extent that evidence of consumption or ingestion is apparent when reporting for duty, or to the extent that his/her job performance is impaired.

B. Drug Testing Frequency by Employee Classification

Personnel may be required to undergo additional drug testing as a condition of assignment or transfer to specific duties as established by agency policy.

1. A drug test shall be considered a condition for application to specialized units within the department. Specialized units/assignments are designated by the agency chief executive and include but are not limited to the Department's meth lab team and EOD unit.
2. Personnel holding commercial drivers licenses shall be subject to the post-accident drug and alcohol testing requirements as specified in federal regulations or comparable state law or regulations.

C. Reasonable Suspicion Drug Testing

1. Testing of alcohol and/or illicit drugs will be performed on employees when there is a reasonable suspicion that the employee is impaired.
 - a. A supervisor must document his or her reasonable basis for believing that the employee is reporting to work and/or working under the influence of alcohol or illicit drugs. This should be documented on the Observation Impairment Report, attached hereto, and should include the supervisor's observations of physical characteristics or behavior commonly attributed to alcohol or drug use.
 - b. If the initial report that an employee is under the influence of alcohol or illicit drugs is not from supervisor, testing will be performed only if:
 - 1) There is a report from a non-supervisory employee or member of the public, and
 - 2) One of the following occurs:
 - a) A supervisor subsequently and independently concludes that there is a reasonable suspicion that the employee is impaired; or
 - b) There are other behavioral indicators of substance abuse. In such a case, a substance abuse professional through the City of Wichita Employee Assistance Program should be consulted, advised of the non-supervisory report and the behavior of the employee. Testing will only be done if the substance abuse professional concluded that there is a reasonable suspicion that the employee is impaired.
 - c. If an employee has a reasonable suspicion that a supervisor is impaired, their observations should be reported to the supervisor's immediate superior, the supervisor's division director, the supervisor's department director, or the Human Resources Department.
 - d. For the purposes of this policy reasonable suspicion that an employee is under the influence of alcohol or illicit drugs, the determination may include, but is not limited to:
 - 1) disorientation, sleepiness, grogginess, glassy-eyed, or observable physical symptoms;
 - 2) the smell of alcohol or illicit drugs on the employee's body or clothing;
 - 3) erratic behavior, aggressive physical behavior, unusual loudness, flagrant disregard of established safety, security or operating procedures; or
 - 4) documented pattern of deteriorating performance, which may include excessive absenteeism or missing deadlines, insubordination or inability to work with others, or behaviors normally associated with substance abuse.
2. An employee involved in an on-the-job accident or injury that results in injury to persons or property shall be subject to an investigation. Employees will be directed to undergo a drug and/or alcohol detection test to aid in determining fitness for duty if there is reasonable suspicion that the employee was under the influence of drugs or alcohol at the time of the accident.
3. Testing will be performed if an employee is observed by another City employee using alcohol, illicit drugs, or intoxicating substance, at work or while performing services on behalf of the City, according to the above provisions.
4. Testing will be performed if an employee is observed by another City employee in the possession of, or distributing, illicit drugs, at work or while performing services on behalf of the City.
5. Testing will be initiated by the department or division director, after reviewing or preparing the documentation and concluding that there is a reasonable basis for believing that the employee is impaired. Concurrence of the Director of Human Resources (or designee) should be obtained, if possible. Testing during second or third shifts should be reported to the Director of Human Resources (or designee) (Drug Test Administrator) the following workday.
6. Those subject to follow-up testing pursuant to this policy.

7. An employee under reasonable suspicion may be removed from duty pending the outcome of a drug test.

D. Drug-Testing Procedures

1. Employees shall be selected for drug testing on a random basis.
2. The City of Wichita shall establish the actual number of employees to be tested during each testing cycle from each employee classification.
3. Members shall not disclose the identity of another employee selected for random testing, that a random selection is scheduled or the date on which urine specimens will be collected.
4. For both reasonable suspicion and random tests the employee will be driven to the test site by a supervisor.
5. Urine specimens shall be collected using equipment, supplies and personnel meeting professionally-accepted standards established by local, state or national authorities and as approved by this agency.
6. Employees shall be required to provide photo identification to verify their identity.
7. To ensure confidentiality of test results, only a personal identification number shall be used to identify the test sample.
8. A pre-test interview shall be conducted by testing personnel with each employee in order to ascertain and document the recent use of prescription or non-prescription drugs and direct or indirect exposure to drugs that may result in a false positive test result.
9. Where the employee appears unable, or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the drug-test report form.
 - a. Reasonable amounts of water may be given to the employee to encourage urination.
 - b. The employee shall be permitted a reasonable amount of time to give a sample, during which he/she shall remain in the testing area under observation.
 - c. Failure to submit a sample shall be considered a refusal to submit to a drug-test.
10. Whenever there is a reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately under direct observation of the testing personnel.

E. Drug-Testing Methodology

1. Drug testing will include the following:
 - a. The test will be conducted by analyzing an employee's urine;
 - b. The urinalysis will be done at a laboratory certified by the Department of Health and Human Services;
 - c. The urine specimen will be split into two bottles labeled as "primary" and "split" specimen. Both bottles will be sent to the laboratory;
 - d. The urine sample will be tested for the following drug types; the types and cutoff levels are subject to change at the request of the Medical Review Officer (MRO):

<u>Drug Name</u>	<u>Cutoff Level</u>
Amphetamines/Methamphetamines	1000 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml
Cocaine	300 ng/ml
Marijuana/cannabinoids (THC)	50 ng/ml
Opiates	2000 ng/ml
Phencyclidine (PCP)	25 ng/ml

- e. If the test is positive for one or more of the above listed controlled substances, a confirmation test will be performed using gas chromatography/mass spectrometry analysis;
- f. All drug test results will be reviewed and interpreted by the Medical Review Officer (MRO) before they are reported to the City;

- g. If the urinalysis of the primary specimen tests positive for the presence of any of the above listed controlled substances, the employee has 30 days to request that the split specimen be analyzed by a different certified laboratory;
 - h. With all positive drug tests, the MRO will contact the employee to determine if there is an alternative medical explanation for the positive test results. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the City as “negative.”
- G. Drug-Test Results
 - 1. All records pertaining to City required drug tests shall remain confidential and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.
 - 2. Drug test results and records shall be stored and retained in compliance with law.
 - 3. The Human Resources Department shall maintain all records relating to drug testing of WPD employees.
 - 4. A Professional Standards investigation will occur should an employee test positive or refuse to submit to any required testing.